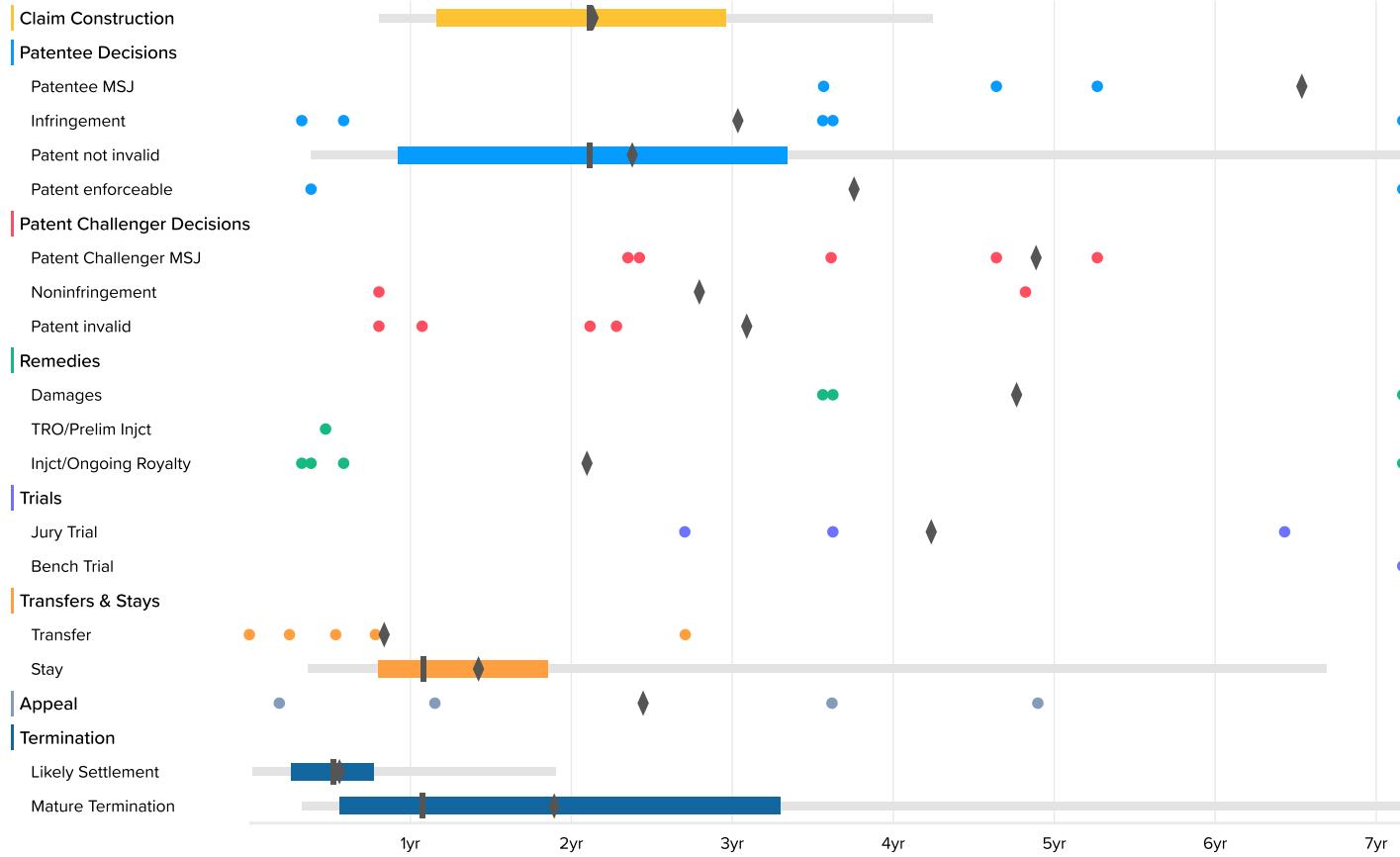


EXHIBIT 5

Time to Milestones

Judges: David Alan Ezra Case Filing Date: On or After Jan. 1st, 2008

U.S. District Courts (128 cases)



U.S. District Courts

	Occurrences	Minimum	2nd Percentile	First Quartile	Median	Third Quartile	98th Percentile	Maximum	Average
Claim Construction	13	9.5	9.7	13.9	25.3	35.4	50.9	50.9	25.8
Pattee MSJ	4	42.7						152.7	78.5
Infringement	5	3.9						85.8	36.6
Patent not invalid	13	3.9	4.6	11.1	25.3	40.0	85.8	85.8	28.7
Patent enforceable	2	4.6						85.8	45.2
Patent Challenger MSJ	6	28.2						133.3	58.7
Noninfringement	2	9.6						57.7	33.7
Patent invalid	5	9.6						110.9	37.2
Damages	3	42.7						85.8	57.3
TRO/Prelim Injct	1	5.7						5.7	5.7
Injct/Ongoing Royalty	4	3.9						85.8	25.3
Jury Trial	3	32.4						77.0	50.9
Bench Trial	1	85.8						85.8	85.8
Transfer	5							32.4	10.2
Stay	20	1.2	4.4	9.5	13.0	22.2	80.1	80.1	17.3
Appeal	4	2.2						58.7	29.5
Likely Settlement	71		0.2	3.1	6.3	9.2	22.8	23.9	6.9
Mature Termination	21	3.0	3.9	6.7	12.9	39.5	85.8	85.8	22.9